

REMARKS

Rejection under 35 U.S.C. §112, second paragraph

Claims 1-24 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention.

The Examiner states that the terms “tip section” and “section spacing” are indefinite as to their meanings. The Examiner states that the terms are not defined in the specification.

Applicants respectfully traverse. The term “tip section” is defined in the specification. Page 7, paragraph 3 of the specification reads, “A plurality of tips 16 (best shown in Fig. 1) occupies each tip section 90.” In the specification at page 7, paragraph 4, line 20, reads: “For example, the tip plate 60 may have 4,000 tips 16, and may be separated into four sections 90, each having 1,000 tips 16.”

The term “section spacing” is defined at page 7, paragraph 3 of the specification, “...the tip plate 60 is provided with a plurality of tip sections 90, each separated by dead space, or section spacing 88. A plurality of tips 16 (best shown in Fig. 1) occupies each tip section 90. No tips 16 occupy the section spacing 88.” Further, Fig. 3 indicates “section spacing 88” as the space between the lateral support 86 and the tip sections 90. Further, in Fig. 4, the “section spacing” is shown, in three occurrences, as 88 as the space between the lateral support 86 and the tip sections 90. In Fig. 4, there are three other erroneous occurrences of 88 pointing to the lateral support 86. This is merely a draftsperson’s error.

Applicants have amended the three errors in Fig. 4 herein. No new matter has been added and support for the amendments can be found in the specification, as described above and in Figs. 3 and 4. A marked-up copy of the drawing and a substitute drawing is enclosed herein.

The Examiner states that in claim 14 there is confusion antecedent basis for “the support” of line 2. Applicants have amended claim 2 to define “the support” as “the lateral support”.

The Examiner states that in claim 21 it is unclear what “therefrom” refers back to.

Applicants have amended claim 21 to read (in part), “...wherein each end of the end supports have a nipple...” No new matter has been added and support for the amendment can be found in the specification at page 5, paragraph 3.

In view of the above amendments and remarks, Applicants respectfully request that the 112, second paragraph rejections of claims 1-24 be withdrawn.

Rejection under 35 U.S.C. §102/103

Claims 1-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over O’Brien-Bernini (US 5,312,470) herein after “OBB”.

As stated above the terms “tip section” and “section spacing” are clearly defined in Applicants’ specification. Nowhere do OBB teach a bushing comprising a tip plate comprising at least two tip sections and section spacing between the tip sections; and a lateral support extending laterally along the section spacing.

The Examiner states that alternatively, if the sections and spacing are not tip sections or section spacing, it would have been obvious that they are tip sections and a section spacing because 1) there is no definition for “tip section” or “section spacing”, 2) they are essentially the same as disclosed by applicant and 3) the only difference between Applicant’s features and OBB would be their dimensions. As defined above, the definitions of “tip section” and “section spacing” are defined above.

OBB teach members 22 which divide individual tips (col. 2, lines 65-67). This is also depicted in Fig. 1A of Applicants’ specification. OBB does not teach or suggest a tip plate comprising at least two tip sections and section spacing between the tip sections; and a lateral support extending laterally along the section spacing.

It is respectfully submitted that a case of *prima facie* obviousness has not been established. To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. Further, the fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. See MPEP §2143.

It is respectfully submitted that the 102/103 rejections of claims 1-24 be withdrawn in view of the above arguments.

Claim 7 stands rejected under 35 U.S.C. 102(b) as be anticipated by, or in the alternative, under 35 U.S.C. 103(a) obvious over Higginbotham (3,841,853).

Nowhere does Higginbotham teach or suggest Applicants' claimed invention including, in part, (claim 7) "the tip plate comprising at least two tip sections and section spacing between the tip sections; a support extending longitudinally along the tip plate; and a lateral support extending laterally along the section spacing."

Higginbotham fails to teach all of Applicants' claim limitations as such claim 7 is not anticipated by Higginbotham for this reason, a case of *prima facie* obviousness has not been established. Applicants respectfully submit that the rejections of claim 7 be withdrawn.

Claims 8 and 11-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Higginbotham in view of Glaser.

Claims 8 and 11-14 ultimately depend from claim 7 which is believed to be allowable in view of the above remarks. Accordingly, Applicants respectfully request that the rejections of claims 8-15 be withdrawn.

Claims 8-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over OBB in view of Higginbotham.

Claims 8-15 ultimately depend from claim 7 which is believed to be allowable in view of the above remarks. Accordingly, Applicants respectfully request that the rejections of claims 8-15 be withdrawn.

Claims 16-17 and 20-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Slonaker in view of Higginbotham.

Nowhere do Slonaker nor Higginbotham nor their combination teach or suggest Applicants' claimed invention including, in part (claim 16), "the tip plate comprising at least two tip sections and section spacing between the tip sections and a lateral support extending laterally along the section spacing and between the end supports."

As such claim 16 is not anticipated by Higginbotham or Slonaker, either alone or in combination, for this reason a case of *prima facie* obviousness has not been established. Claims 17 and 20-24 ultimately depend from claim 16 which is believed to be allowable in view of the above remarks. Applicants respectfully submit that the rejections of claim 16-17 and 20-24 be withdrawn.

Claims 18-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Slonaker in view of Higginbotham as applied to claims 16 and 20 further in view of OBB.

Claims 18-19 ultimately depend from claim 16 which is believed to be allowable in view of the above remarks. As such, it is respectfully requested that the 103(a) rejections of claims 18-19 be withdrawn.

CONCLUSION

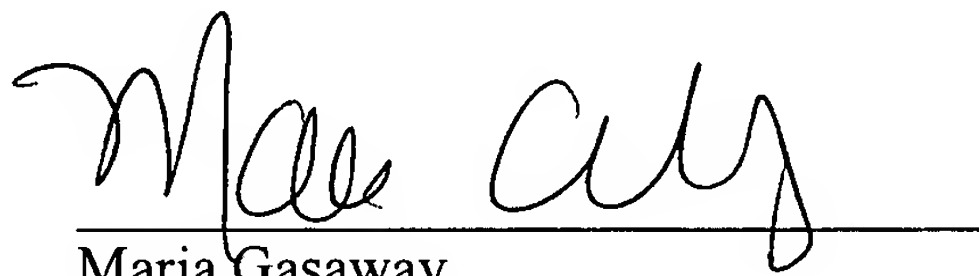
If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-0568 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

Date:

10/1/04

A handwritten signature in cursive script, appearing to read "Maria Gasaway", written over a horizontal line.

Maria Gasaway
Registration No. 51,721

Owens Corning
Patent Department, Bldg. 11
2790 Columbus Road
Granville, Ohio 43023
(740) 321-7213

OIP E JCS
OCT 07 2004
PATENT & TRADEMARK OFFICE

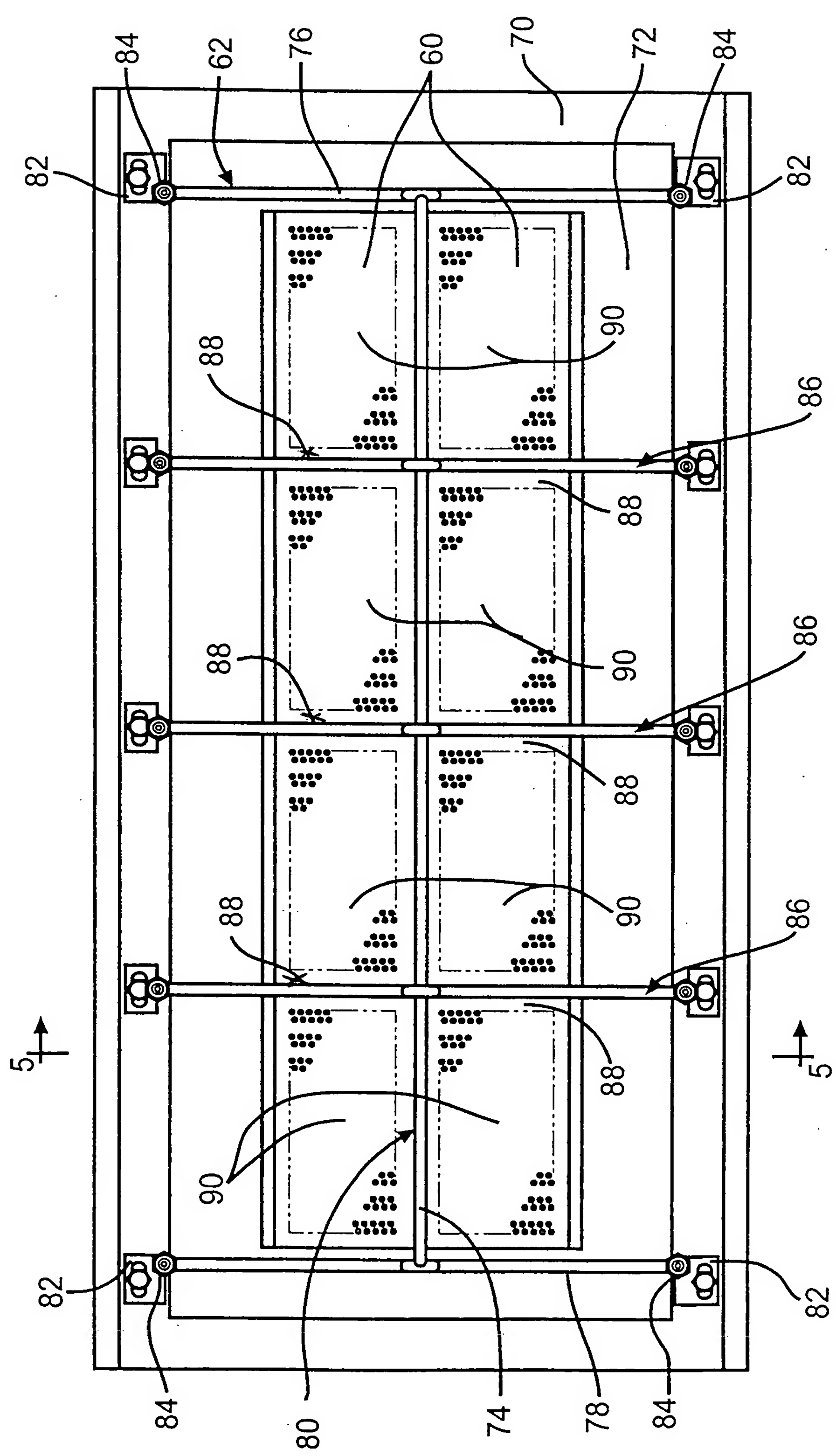


FIG. 4